

DEC 13 2005

Docket no. 17037A
Filed September 12, 2001
Serial no. 090/954,874**REMARKS**

The Examiner has rejected claims 17 – 28 and 30 – 44 under 35 USC §103 as being unpatentable over Drew (US patent 6,168,320) in view of Midkiff (US patent 5,709,735) and further in view of McCormack (US patent 5,964,742).

Applicants note that Drew is directed toward a CD storage sleeve made from "a unique non-woven material which does not require any laminating, bonding or welding to create a durable material which is resistant to tearing ..." (col. 4, lines 45 – 48). The key to making this material is that the "spinnerets move back and forth over the belt, thus permitting the fibers to be oriented diagonally to the direction of the belt, creating biaxially oriented fibers" (col. 4, lines 53 – 56). This aspect is presumably included in the claims through the use of the word "random" (col. 5, line 29). Drew was seeking the quality of omni-direction strength of the web because webs having uni-directional strength were found to be unsuitable (col. 4, line 26 – 29); they tore during use.

Midkiff is directed to a pleated filter, a material in which omni-directional strength is not a significant factor. The uses for this stiff, through-air bonded fabric that are taught by Midkiff are primarily for filtration of air, though other fluids may also be filtered (col. 11., line 20 – 50). The Examiner asserts that Midkiff teaches using the inventive fabric in towels and protective fabrics and so using it in a CD case naturally follows. This is just not the case. While Midkiff's "Background of the Invention" teaches that nonwoven fabrics generally may be used in many diverse products, the inventive fabric

is not taught or suggested for such use. It would, for example, be an improper use of the reference to assert that Midkiff's stiff, pleated, through-air bonded filter fabric would be useful in a feminine pad or a diaper, merely because such products are mentioned in the Background as containing nonwoven fabrics.

It is not clear why one skilled in the art would combine the stiff fabric of Midkiff in the CD case of Drew as the Examiner asserts. It is unknown, for example, whether the Midkiff fabric would have sufficient tear strength or omni-directional strength. Even if such an attempt at combination were made however, the resultant product would not have the bonding pattern claimed by Applicants. The Examiner uses McCormack to provide this piece of the invention.

McCormack provides various thermally bonded webs, including the point-unbonded method claimed by Applicants. Point "unbonding" is a variation on thermal point bonding wherein fibers are put under pressure and heated, resulting in the melting of the polymer and the creation of a bond. Point unbonding differs from point bonding in that point unbonding results in a fabric having a much greater melt-bonded area than point bonding and it completely surrounds unbonded islands of fiber.

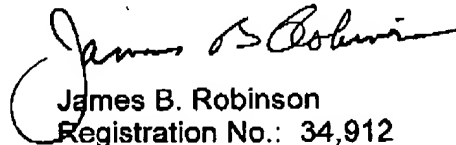
Applicants note that In order to provide the high stiffness needed to survive the pleating process (col. 11, lines 2 – 5), Midkiff's web is through-air bonded, not thermal point bonded. In fact, Midkiff clearly teaches that thermal point bonding is completely unsuitable for use in his process (col. 7, lines 62 – 67) because it does not produce a sufficiently stiff web. The stiffness noted by Midkiff (col. 11, line 2) is at least 600 mg so that the fabric may be pleated, and this was not believed achievable in thermal point bonding systems.

In applying point unbonding to the Midkiff web and then placing it in a CD sleeve, the Examiner is not merely ignoring the teachings of Midkiff, but applying a type of bonding specifically taught against, in a use that is not taught or suggested by Midkiff, and which Applicants maintain one skilled in the art would not attempt. The Examiner is thus picking and choosing among the various features of the three references, even going directly against the teachings of one, to cobble together the inventive web.

Applicants assert that the disparate teachings of the cited references do not contain a common thread or nexus that would suggest to one skilled in the art their combination in the manner proposed by the Examiner. It is only through hindsight reconstruction of Applicants' invention by picking selective teachings from the several references that anything approaching Applicants' invention, particularly as now claimed, may be derived. Such a rejection is in error.

Applicants request that the rejection of the claims be reconsidered and withdrawn. Applicants submit that all claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information.

Respectfully submitted,



James B. Robinson
Registration No.: 34,912
(770) 587-7273